

California Department of Fish and Game
North Central Coast Study Region
Feasibility Evaluation of Draft MPA Proposals
February 11, 2008

This evaluation was completed by the California Department of Fish and Game for the MLPA North Central Coast Regional Stakeholder Group (NCCRSG) to provide detailed feedback on the feasibility for the suite of marine protected area (MPA) proposals received. The feasibility guidelines used were outlined in the document titled, "*Statement of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act Initiative*" (CDFG Memo; June 11, 2007). A second memo, "*Department of Fish and Game update of feasibility criteria for use in analyzing siting alternatives during the second phase of the Marine Life Protection Act*" (CDFG Memo; February 11, 2008), was also created to clarify feasibility issues that have arose during the North Central Coast study region process, and was also used to evaluate the current MPA proposals.

Many of the feasibility issues frequently observed in the first round of proposals were greatly improved for this round. However, feasibility concerns do remain in the current set of proposals. Many of the design elements that decrease MPA feasibility that were frequently noted include: multiple zoning (created when many regulatory changes occur over a small area); doughnut designs (which occurs when MPAs surround one another); floating corners in offshore waters that are not at readily determined lines of latitude and longitude; and unanchored diagonal lines (diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude).

Marine Protected Areas that follow the Department's feasibility guidelines will help to ensure that these areas are readily enforceable and ease public understanding.

General suggestions for improving the feasibility of the draft proposals include:

1. Boundary descriptions provided in the template need to be complete with all intended boundaries described with lines of latitude and longitude. If an easily recognizable landmark is intended for use as a boundary marker, the landmark and its corresponding latitude/longitude should be provided and included in the MPA template. All corners must also have their corresponding latitude and longitude listed. This will help us accurately describe the intended lines in regulation. Shoreline boundaries also need to be specified (mean high tide).
2. Simple boundary designations are vital for the ease of public understanding and successful enforcement of the area. Optimally, offshore MPA corners should fall on whole minutes of latitude and longitude. Half minutes are less desirable and 1/10th minutes the least preferred and hardest to enforce. Onshore MPA corners that do not line up with a visible landmark should fall on whole minutes of latitude and longitude; half minutes are less desirable and 1/10th minutes the least preferred and hardest to enforce. Onshore corners that do line up with a visible landmark should use a 1/100th of a minute resolution (e.g., 36 degrees 24.56 minutes). This allows boundaries to be accurately drawn to the desired point.

3. A new MPA that included an area with an existing aquaculture lease would not automatically prohibit existing aquaculture, as "take" is prohibited only for public trust resources. Since aquaculture harvests a privatized resource, it is not constrained by MPA regulations. Additionally, existing aquaculture leases may not be removed by MPA designation. The Department recommends using an appropriate designation (e.g., SMCA or SMRMA) and specifically allowing existing aquaculture under a State Lands Commission Lease and Commission Permit to occur. This applies to the following proposed draft MPA proposals and MPAs:
 - draft MPA Proposal 1 (EC): Drakes-Limantour Estero SMR
 - draft MPA Proposal 2 (JD): Drakes Estero SMR
 - draft MPA Proposal 3 (TC): Drakes Estero SMR
 - draft MPA Proposal 4 (JC): Drakes Estero SMR
 - draft MPA Proposal External A: Tomales Bay SMR

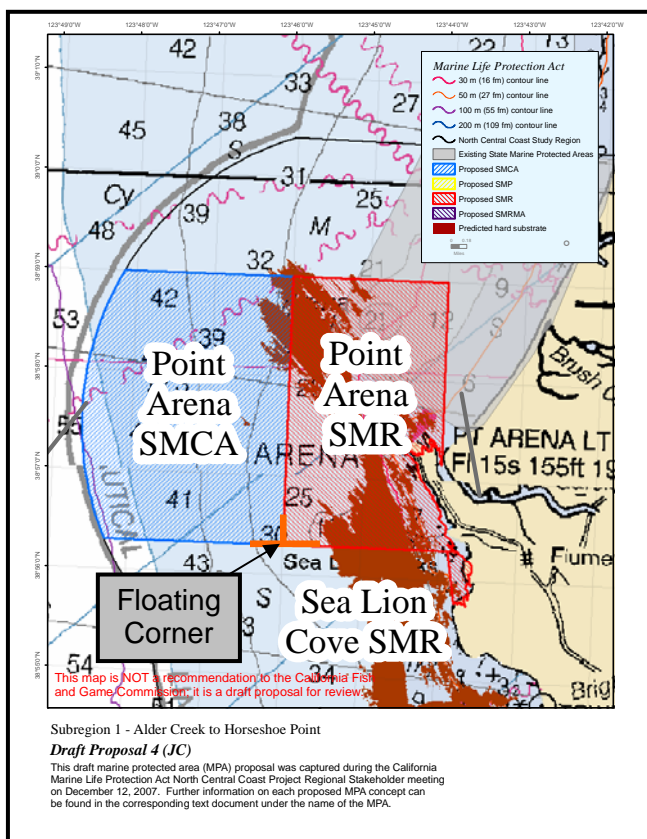
4. The Department does not support the use of marine protected areas to exclude waterfowl hunting or its discussion as part of the MLPA process. Proposals to alter waterfowl hunting activities should be brought to the Department and Commission as part of normal hunting regulations processes. In areas where duck or other waterfowl hunting occurs presently, the Department recommends using the State Marine Recreational Management Area designation and specifically allowing the hunting to continue. This applies to the following proposed draft MPA proposals and MPAs:
 - draft MPA Proposal 2 (JD): Tomales Bay SMP, Estero Americano SMR and Estero San Antonio SMR
 - draft MPA Proposal 3 (TC): Tomales Bay SMR, Estero Americano SMR and Estero San Antonio SMR
 - draft MPA Proposal External A: Tomales Bay SMR, Estero Americano SMR and Estero San Antonio SMR

Draft MPA Proposal 4 (JC):

Goals and Objectives: All proposed MPAs included clear goals but no objectives were included.

Simplicity of Regulations: Allowed/ disallowed uses appear to be readily understood for all proposed MPA's with the exception of Salt Point SMP and Duxbury SMCA. The allowed take at Salt Point SMP includes a long list of excepted species to the general regulation which makes it difficult to understand and enforce the regulation [same comment as before]. Duxbury SMCA allows "shore based angling". This regulation needs to be more specific with regard to exactly what type of shore based fishing is allowed in the proposed MPA.

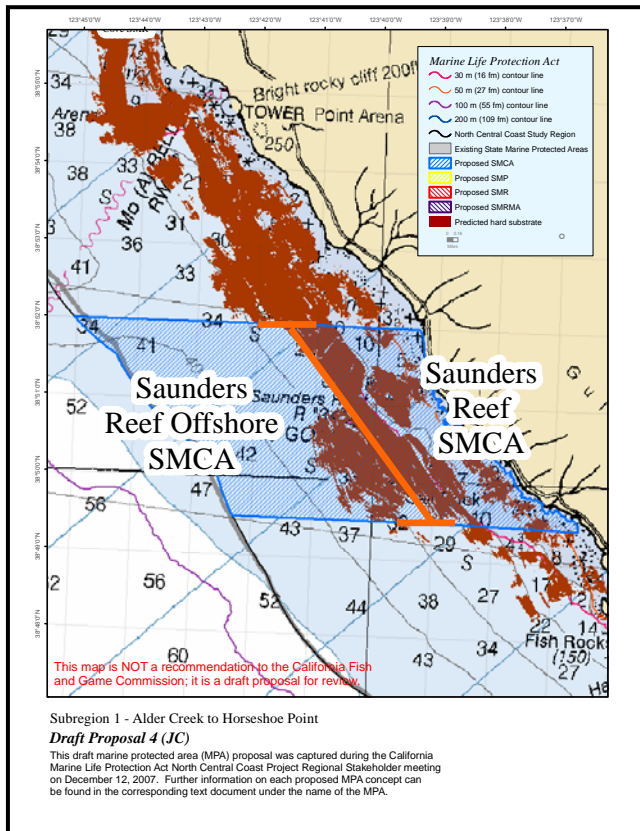
MPA Clusters Requiring Boundary Adjustments: *Maps are of MPA clusters that require boundary adjustments to meet feasibility guidelines. Boundaries that require adjustment are displayed in orange.*



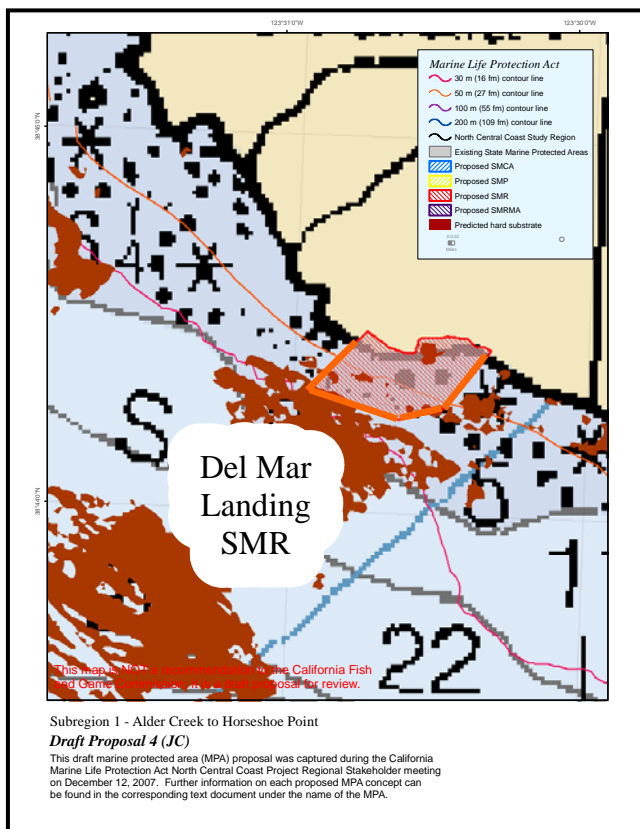
Point Arena SMCA and SMR: A floating corner is created at the south- western corner of the SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).

Additional Comments from CDFG Enforcement:

- Floating corners are difficult to enforce.



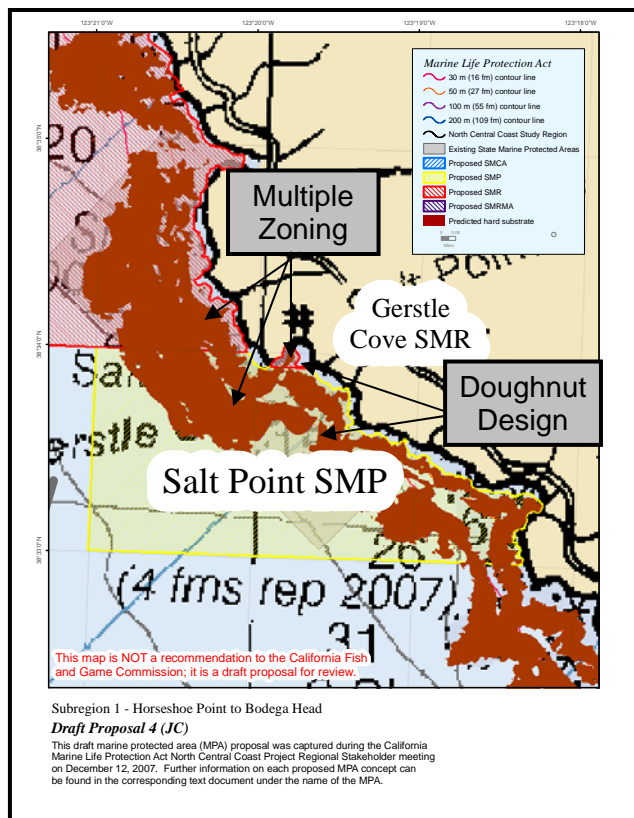
Saunders's Reef SMCA and Saunders's Reef Offshore SMCA: Western boundary of Saunders's Reef SMCA is an unanchored diagonal line. Diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude.



Del Mar SMR: Boundaries do not follow a due north/south east/west orientation, are irregularly shaped, and are not at easily recognizable landmarks or at readily determined lines of latitude and longitude.

Additional Comments from CDFG Enforcement:

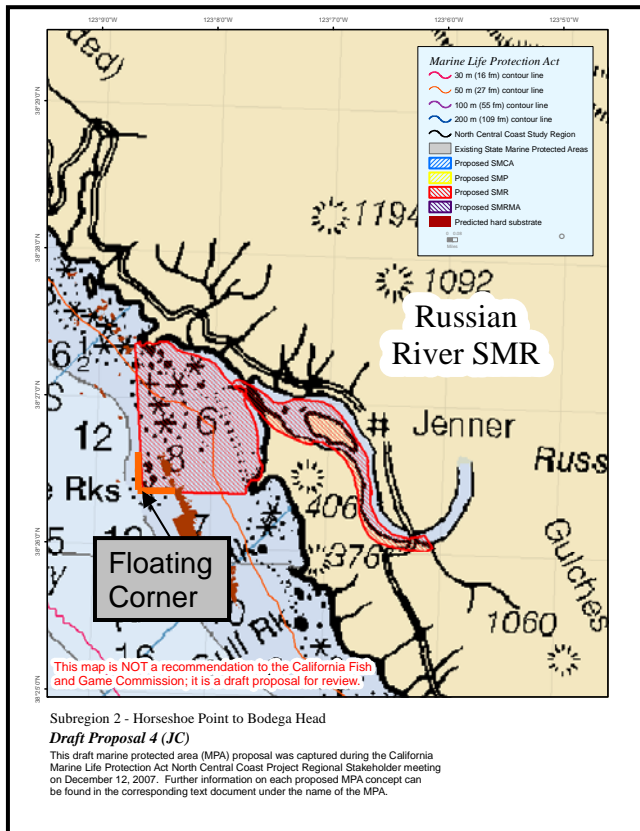
- These boundaries are difficult to enforce and prosecute in a court of law.



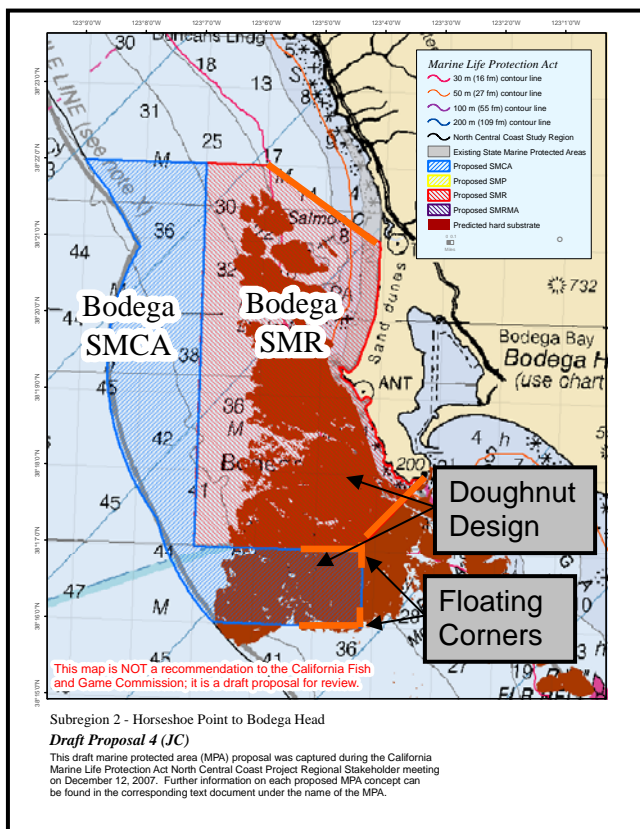
Gerstle Cove SMR and Salt Point SMP:
 Doughnut design with Gerstle Cove SMR inside of Salt Point SMP. Multiple zoning was created with Black Point SMR, Gerstle Cove SMR and Salt Point SMP.

Additional Comments from CDFG Enforcement:

- Enforceability and public understanding would be enhanced by simplifying this cluster.



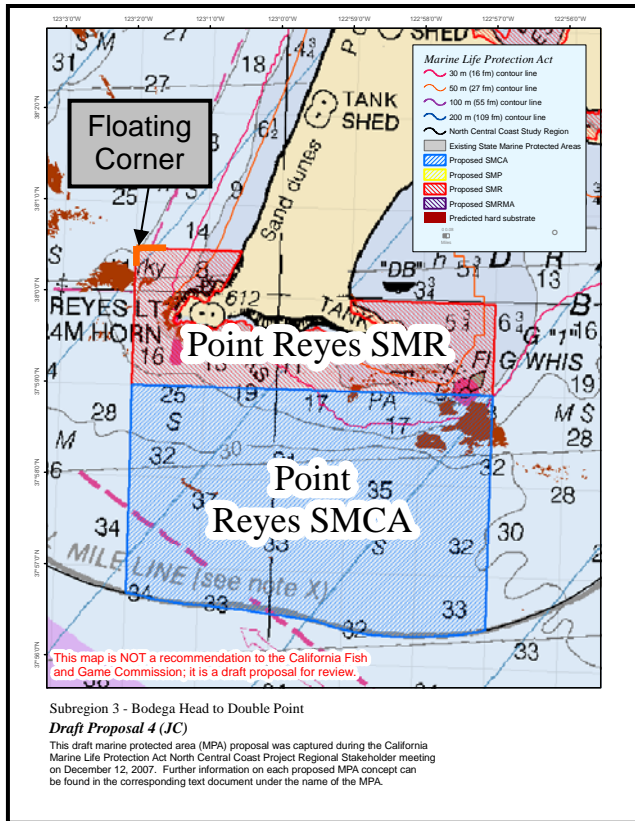
Russian River SMR: A floating corner was created in the south-western corner of the SMR (see External Proposal A (round 2) for a similar sized/ positioned MPA using coordinates that meet feasibility guidelines). Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).



Bodega Head SMR and SMCA: The northern boundary of the SMR is a diagonal line that does not follow the angle of the coastline. The landmark utilized in the north-eastern corner of the SMR ("the tanks") is not considered a permanent landmark. Doughnut design with Bodega Head SMR surrounded on two sides by Bodega Head SMCA. Floating corners were created in the south eastern corner of Bodega Head SMR and the south-eastern corner of Bodega Head SMCA. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).

Additional Comments from CDFG Enforcement:

- The diagonal northern boundary of the SMR would be difficult to enforce and prosecute in a court of law.

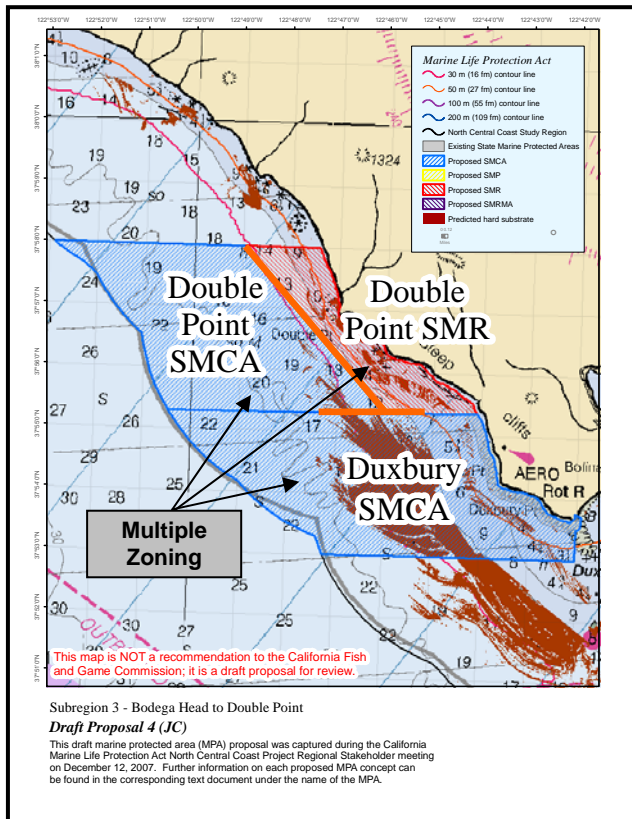


Enforcement:

- Floating corners are difficult to enforce.
- This area is remote and a long response time is expected.

Pt. Reyes SMR and SMCA: A floating corner was created in the north-western corner of Point Reyes SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).

Additional Comments from CDFG

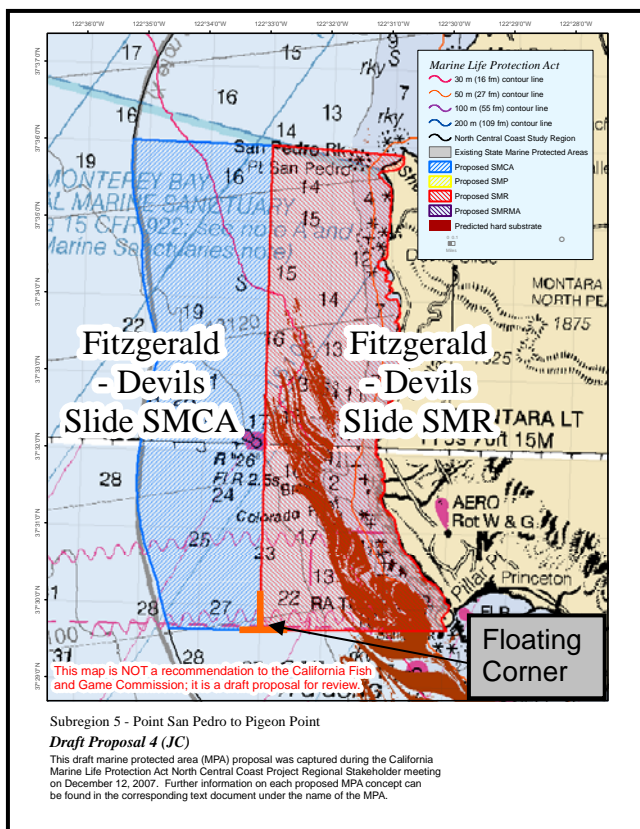


Double Point SMR/ SMCA; Duxbury Reef

SMCA: The western boundary of Double Point SMR is an unanchored diagonal line. Diagonal lines may be feasible when they follow the angle of the coastline and are anchored at whole minute points of latitude and longitude. Multiple zoning was created with Double Point SMCA, Double Point SMR and Duxbury SMCA. Enforceability and public understanding would be enhanced by simplifying this cluster.

Additional Comments from CDFG Enforcement:

- Enforceability and public understanding would be enhanced by simplifying this cluster.
- This area is remote and a long response time is expected.



Fitzgerald- Devil's Slide SMR and SMCA:

Floating corners were created in the south-western corner of Fitzgerald- Devil's Slide SMR. Offshore corners should be located at whole minute lines of latitude and longitude (see: general suggestions for improving the feasibility of the draft proposals; bullet #2).

Additional Comments from CDFG Enforcement:

- Floating corners are difficult to enforce.